

Serial No. 09/977,775
Filed: October 15, 2001
Page 2 of 5

Examiner: Lilijana V. Ceric
Group Art Unit: 3753

REMARKS

The Office communication dated May 18, 2004, has been carefully considered. Claims 1-26 remain in the application. Reconsideration is respectfully requested.

Requirement for Additional Information

The Examiner asserts that Applicants' Reply filed on March 2, 2004, is not fully responsive to the prior Office Action, and requests that Applicants provide additional information. Initially, Applicants would like to make clear that Applicants believe the prior Reply was fully responsive to the Examiner's request for more information. In light of the follow-up request for additional information, it is clear that the Applicants and Examiner had different interpretations of the prior request for information. It is Applicants intent to fully comply with the Examiner's request for information. Applicants will continue to submit information as requested until the Examiner is satisfied. In that spirit, Applicants are supplementing their previous responses with information responsive to the current information requests in the Examiner's May 18, 2004, Office Communication:

Whether or not the internet-connected refrigerator oven announced by David Whitwam was or was not a public announcement of the instant invention.

Applicants assert that the internet-connected refrigerator oven announced by David Whitwam during an interview with CNBC on May 17, 2000 was not a public announcement of the instant invention described and claimed in the present application. As is clear in the video tape of the CNBC interview, the relevant part of which was excerpted¹ in Applicants' previous Reply, Mr. Whitwam only generally described an appliance that was a combination of a refrigerator and an oven. Mr. Whitwam gave no specifics of the refrigerator oven. His comments were limited to a conceptual level. That the general concept of a refrigerated oven is well known is stated in Background section of Applicants' patent application, which references U.S. Patent No. 4,884,626 as disclosing a combination refrigerator oven. Thus, Mr. Whitwam's

¹ "We've talked about by the latter part of this year we'll have a wall oven that's a refrigerator, too. In the morning when the housewife leaves the home, she puts the roast or the casserole in. At the end of the day she can come in through the Internet, and that refrigerator/oven becomes strictly an oven, and will cook the meal. So these are the kinds of things that we think bring value to the consumer."

Serial No. 09/977,775
Filed: October 15, 2001
Page 3 of 5

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comments disclose nothing about a refrigerated oven than what is already disclosed in the Background of Applicants' patent application.

Moreover, Mr. Whitwam's comments are unrelated to the claimed invention. The claims of the current application relate to the specific structure of the refrigerator oven, including the refrigeration system and its integration with the oven. Mr. Whitwam's comments did not address the claimed structure. Therefore, Mr. Whitwam's comments cannot be considered to be a disclosure of the claimed invention.

Examples of at least some public announcements or press releases related to the instant invention other than the ones made on January 16-17, 2002.

All of the press releases for the instant invention are those related to the Polara® appliance. It is worth noting that all of the press releases were released after the filing of the current patent application and are not prior art. Regardless of their prior art status, the introduction of a refrigerated oven, under the trademark Polara®, incorporating aspects of the instant invention was announced in multiple press releases, the first of which was released on February 8, 2002. A copy of this announcement is attached in Appendix A. Copies of press releases released on April 5, 2002, January 21, 2003, and January 19, 2004 are also attached in Appendix A.

The identity of any trade shows (regardless of whether or not these occurred before January 16-17, 2002) at which the instant invention was shown, and brochures relating to the instant invention made available to the public at these trade shows.

The Polara® refrigerated oven was displayed at the following trade shows:
Kitchen and Bath Industry Show, Orlando, FL - April 2001;
Pacific Coast Builders Show, San Francisco, CA - June 2001;
International Builder's Show, Las Vegas, NV - January 2002;
Kitchen and Bath Industry Show, Orlando, FL - April 2002;
Pacific Coast Builders Show, San Francisco, CA - June 2002;
Whirlpool Innovation Fair, Benton Harbor, MI - September 2002;

Serial No. 09/977,775
Filed: October 15, 2001
Page 4 of 5

Examiner: Lilijana V. Ceric
Group Art Unit: 3753

International Builder's Show, Las Vegas, NV - January 2003;
Kitchen and Bath Industry Show, Orlando, FL - April 2003;
Pacific Coast Builders Show, San Francisco, CA - June 2003;
International Builder's Show, Las Vegas, NV - January 2004;
Kitchen and Bath Industry Show, Chicago, IL - April 2004.

Applicants submit that this is a complete and accurate list of trade shows at which the Polara® refrigerated oven was displayed. Applicant has attached in Appendix B a copy of the brochure for the Polara appliance. The brochure was first published sometime during November 2002. It is Applicants' understanding that this is the only brochure produced for the Polar appliance and no copies of the brochures were distributed at the trade shows.

Whether or not claim 38 is readable on the previously elected species.

Applicants believe that claim 38 is readable on the previously elected species as one element of claim 38 relates to the concept of delaying of the cooling step until the temperature of the cooking chamber is below a threshold value.

The submittal of the information specifically requested in the Examiner's May 18, 2004, Response to Amendment is believed to constitute a full, direct, and clear response to the questions submitted by the Examiner, and to resolve all outstanding issues concerning Applicants' prior responses. If for any reason the Examiner feels that this Response does not so place the application in condition for allowance, it is respectfully requested that the Examiner promptly contact Applicants' undersigned attorney by telephone at the number shown below so that suitable steps may be taken to place the application in such condition.

Further and favorable action is respectfully requested.

Serial No. 09/977,775
Filed: October 15, 2001
Page 5 of 5

Examiner: Lilijana V. Ceric
Group Art Unit: 3753

Respectfully submitted,

MUELLER ET AL.

Dated: 6/30/04

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